



## STATE OF NEW JERSEY

**In the Matter of Carla Lane  
Middlesex Vicinage, Judiciary**

CSC DKT. NO. 2017-4083  
OAL DKT. NO. CSV 11294-17

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**ISSUED: JULY 20, 2018**

BW

The appeal of Carla Lane, Investigator, Middlesex Vicinage, Judiciary, 30 working day suspension, on charges, was heard by Administrative Law Judge Tricia M. Caliguire, who rendered her initial decision on June 18, 2018. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on July 18, 2018, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

## ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Carla Lane.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18TH DAY OF JULY, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
P. O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 11294-17

AGENCY DKT. NO. 2017-4083

**IN THE MATTER OF CARLA LANE,  
SUPERIOR COURT OF NEW JERSEY,  
MIDDLESEX VICINAGE.**

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**Connor Meara**, Organizer/Field Representative, AFSCME New Jersey, for appellant  
pursuant to N.J.A.C. 1:1-5.4(a)(6)

**Susanna J. Morris, Esq.**, for respondent (Counsel's Office, New Jersey Courts,  
attorneys)

Record Closed: May 28, 2018

Decided: June 18, 2018

**BEFORE TRICIA M. CALIGUIRE, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

On February 28, 2017, respondent Superior Court of New Jersey, Middlesex Vicinage (Court) issued a Preliminary Notice of Disciplinary Action (PNDA) to appellant Carla Lane (Lane) charging her with incompetency, inefficiency, or failure to perform duties, pursuant to N.J.A.C. 4A:2-2.3(a)(1), conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6), and neglect of duty, pursuant to N.J.A.C. 4A:2-2.3(a)(7). On March 27, 2017,

respondent conducted a departmental hearing. A Final Notice of Disciplinary Action (FNDA) was issued to appellant on June 14, 2017, by which appellant was charged with incompetency, inefficiency, or failure to perform duties, pursuant to N.J.A.C. 4A:2-2.3(a)(1), and neglect of duty, pursuant to N.J.A.C. 4A:2-2.3(a)(7). In the FNDA, respondent notified appellant that she would be suspended from employment as an Investigator for thirty working days.

Appellant filed this appeal on June 20, 2017, which was transmitted by the Civil Service Commission to the Office of Administrative Law (OAL) on August 8, 2017, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The parties were scheduled to appear before the Honorable Gerald Foley, ALJ, on September 26, 2017, for a settlement conference, but before the conference began, appellant obtained the consent of respondent to an adjournment. On October 24, 2017, the parties met before Judge Foley for a settlement conference, but were unable to reach a resolution.

On November 22, 2017, this matter was reassigned to the undersigned. On January 3, 2018, I held a prehearing telephone conference with the parties and scheduled the hearing for February 23, 2018. At the request of appellant, this hearing date was adjourned to April 2, 2018. The hearing was conducted on April 2, 2018, and the record left open for the parties to submit post-hearing briefs and responses following their receipt of the transcripts of the proceedings. Briefs were submitted by both parties on May 18, 2018; neither party filed a response (nor notified the undersigned that they would not be doing so) and the record closed on May 28, 2018.

### **FACTUAL DISCUSSION AND FINDINGS**

Lane faces a penalty of suspension for thirty working days on charges of incompetency, inefficiency, or failure to perform duties, and neglect of duty, as a result of incidents which took place on January 17, 2017, and February 6, 2017. Most of the material facts are not in dispute. The following is not a verbatim report of the hearing testimony but a summary of the relevant testimony of Lane and respondent's witnesses, Lori Grimaldi (Grimaldi) and Jennifer Sincox (Sincox).

Lane has worked for respondent for twenty-four years, and has held the title of Investigator for most of that time. As an investigator, Lane's duties now and during the period in question include handling inmate applications for public defenders, annotating bail motion lists, and preparing bail workups.<sup>1</sup> She works five days per week, from 8:30 a.m. to 4:30 p.m.

In June 2016, Grimaldi became a Team Leader in the Criminal Division, supervising eight employees, including Lane. On July 1, 2016, Grimaldi held a team meeting that was attended by Lane. (R-3; R-9.) Grimaldi testified that at this meeting, she discussed among other topics, the call-out policy by which employees are required to notify their supervisor of their same-day absence from work by 8:45 a.m.; time management and the need to "be mindful of due dates;" and that investigators must "ensure that all Bail Motions are done[.]" (R-3.) Grimaldi testified, and Lane acknowledged, that at the end of the July 1 meeting, Grimaldi gave her cell phone number to the team and told them to use it when they had questions or problems.

On August 2, 2016, and on September 8, 2016, Lane violated the call-out policy but was not disciplined. On September 9, 2016, Grimaldi met with Lane to discuss these infractions and Grimaldi warned Lane that future violations of the call-out policy could result in disciplinary action. (R-10.) At this meeting, Grimaldi also asked Lane to clean up her office, organize files, and consider time management training. Lane responded that her heavy workload made it difficult to find time to file, and requested extra help rather than training. (R-10.)

At the beginning of both 2016 and 2017, respondent issued Annual Performance Advisory forms to Lane, which Lane signed on January 25, 2016, and January 31, 2017, respectively. (R-1; R-2.) In both these documents, the "Supervisor's Expectation for [Lane's] Performance" for the calendar year include:

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<sup>1</sup> All persons who testified drew a distinction between annotating a bail motion list and preparing a bail workup, but in documents introduced at hearing, this distinction is not as clear. (R-1; R-2; R-6.) Respondent later clarified that the terms "bail workup" and "bail investigation" mean the same thing, and are completed before a defendant's initial bail is set. The investigation workup is updated and then attached to the bail motion list ("annotating" the bail motion list). (Letter Br. of Resp't., (May 18, 2018) at 7.)

- Reliable and Timely Attendance.
- All bail motion workups must be submitted to the judge's secretary by Noon the day before the scheduled bail motion date.<sup>2</sup>
- Inform immediate supervisor when work is not completed within established time frames.

[(R-1; R-2.)]

### **Incident of January 12, 2018**

There is no dispute that, on January 12, 2018, Lane did not complete the task of annotating the bail reduction motion lists prior to leaving for the day. As Grimaldi explained in her testimony, every Friday, the judges in the Criminal Division hear bail reduction motions filed by individuals who have been arrested and charged, and are being held in the County jail due to their inability to post the required monetary bail.<sup>3</sup> Prior to the hearings, staff provides the judges with information that they may require to properly evaluate the motions.

The entire process of accumulating, storing and processing information related to bail is as follows:

1. When an individual is arrested, a bail investigation is conducted by an investigator and documented. This document—the bail investigation workup—is given to the judge, who then sets bail.
2. The workup is scanned into the court's computer system and a hard copy is filed (in the filing room, located one floor below Lane's office).

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<sup>2</sup> These documents, which bear Lane's signature, directly contradict her testimony on cross-examination that the deadlines that must be met for the benefit of the judges are not found in documents.

<sup>3</sup> Since bail reform was instituted in New Jersey in January 2017, the number of individuals held on monetary bail has been reduced significantly and, therefore, the number of bail reduction motions filed and heard in any given week has also been reduced. At the time of the incident involved in this matter, however, the full impact of bail reform was not yet felt and persons who had been incarcerated prior to January 1, 2017, were still assessed bail under the former system.

3. Individuals who cannot make bail are sent to the County jail and may move for a reduction in bail.
4. Each week by 9:30 a.m. on Wednesday, the investigator receives the bail reduction motion lists, one for each of the judges in the Criminal Division to whom that investigator is assigned.<sup>4</sup>
5. The investigator annotates the lists by adding information such as the amount of current bail, whether an interpreter is needed, an up-to-date criminal record, and information regarding the arrest and the incident which led to the arrest. He or she would obtain this information from the County computer system, the municipal court systems and the bail investigation workups. For each movant, the investigator includes the original bail workups conducted upon arrest and completed prior to when bail was initially set.
6. The entire packet is emailed by the investigator to each judge (and their staffs) by noon on Thursday.

On December 8, 2017, prior to the events involved in this matter, Lane told Grimaldi that she had trouble meeting the noon deadline for the bail motion workups on those Thursdays when Lane was required to attend Central Judicial Processing (CJP) Court. In response, Grimaldi and her immediate supervisor, Sincox, Assistant Criminal Division Manager, agreed to relax the above deadline from noon to 4:30 p.m., when Lane had CJP Court duties. (A-3.) On cross-examination, Lane stated that she actually wanted help with the work rather than more time to do the work, but admitted that she made no further attempts to ask for such help.

On January 12, 2017, Grimaldi left the office at approximately 1:00 p.m. She testified that prior to leaving, she walked around the office to let her staff know of her early departure and that Sincox would be covering for her. Sincox testified that she is responsible for

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<sup>4</sup> In 2016, Lane was assigned to prepare all bail motion workups for all the judges in the Criminal Division. (A-2.)

oversight of ninety staff persons and all Criminal Division courtrooms. She confirmed that, on January 12, 2017, Grimaldi left early on preapproved leave and Sincox covered for her.

There is a dispute as to whether Grimaldi spoke with Lane prior to leaving, but this is immaterial, as Lane does not claim that Grimaldi's absence impacted whether she got her work done on time. Lane could not recall Grimaldi leaving early as she was in CJP Court until 12:45 p.m., and then took an hour lunch, returning to the office at 1:45 p.m., after Grimaldi left. Lane testified that when she returned at 1:45 p.m., she still had about one-quarter of the bail reduction motions yet to complete.

Between 2:00 p.m. and 3:00 p.m.,<sup>5</sup> on January 12, 2017, Sincox received a call from the Honorable Colleen M. Flynn, J.S.C., asking for her bail motion workups. Sincox then went to Lane's cubicle and asked about Judge Flynn's motion workups. Lane told her that the work for Judge Flynn was almost done; Lane sent the workups to Judge Flynn between 4:00 and 4:30 p.m.

At 4:30 p.m., the Honorable Benjamin S. Bucca, J.S.C., called Sincox, asking for his bail motion workups. Sincox went to Lane's cubicle; Lane told her that she was still working on Judge Bucca's list. Lane testified that at that point, she had completed all of Judge Bucca's workups except one, and for that one motion, she told Sincox she could not find the initial bail investigation workup in either the computer system or the file room. Sincox testified that she directed Lane to complete the work and that she did not speak to Lane again that day. When Sincox left the building at 5:30 p.m., she walked by Lane's cubicle, did not see Lane and so assumed that she had completed her work.

Lane testified that she continued to search for the paperwork for a single defendant until 6:00 p.m., and surmised that she was in the file room when Sincox stopped by her cubicle at 5:30 p.m. Since her search was unsuccessful, Lane emailed all but one of the bail motion workups to Judge Bucca and his secretary with an apology for the delay. Lane

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<sup>5</sup> Sincox testified that this call came between 2:00 and 2:30 p.m., but in a document that Sincox wrote and filed with her supervisor on January 20, 2017, she stated that the call from Judge Flynn came at 3:00 p.m. (R-5.)



did not contact Grimaldi because she had already spoken to Sincox about the delay and Lane conceded that Sincox assumed Lane would complete the job.<sup>6</sup> Lane stated that she went to Sincox's office at 6:00 p.m., but that Sincox had already left.

When Sincox returned to work the morning of January 13, 2017, she saw e-mails from Judge Bucca's staff to Lane asking for the missing workup on one defendant. (R-5.) Sincox asked Lane, who responded that she did not finish the bail motion workup for that defendant. Lane testified that her intention was to complete this workup when she arrived on the morning of January 13, 2017. Of the nineteen bail motions on the list for January 12, 2017, Lane completed all but one. Judge Bucca heard one bail reduction motion without the proper paperwork.

Much testimony was given regarding the responsibility of Shirley Scott, Judiciary Clerk Level 2, for scanning the bail investigation workups into the shared drive.<sup>7</sup> Sincox and Grimaldi called the scanning "a courtesy;"<sup>8</sup> Lane call this a "necessary prerequisite to efficiently performing [her] duties." (Letter Br. of Appell't. (May 18, 2018) at 6.) While Grimaldi and Sincox agreed that it would be easier and faster for an investigator to complete the bail motion lists if all the workups were timely scanned to the shared drive, they also agreed that not all the workups are so uploaded.

Hard copies of all bail workups, including those uploaded to the shared drive, are kept in the file room. No one disputed appellant's testimony that the file room is not well organized, filing is not current, and hard files are often difficult to locate. Sincox testified that in the event that paperwork is missing, the back-up plan is for an investigator to do the bail investigation workup from scratch, since she would have access to all the necessary documents. Lane testified, however, that she did not have the security clearance to obtain information that would

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<sup>6</sup> Lane testified that at this point, she still did not realize that Grimaldi had left early.

<sup>7</sup> Lane testified that Scott took the files out of the building to scan, which is why the file Lane needed was not available. Sincox, however, stated that such files never leave the building and that Scott handled the scanning in the courthouse.

<sup>8</sup> This description is curious as a Court document titled "Scanning Procedure" states, "On a daily basis the bail workups need to be scanned to the shared drive." (A-9.)

be available using a defendant's fingerprints (e.g., prior criminal history). Even so, Lane testified that she did not attempt to do the bail investigation workup from scratch.

Respondent introduced ample evidence that as a member of Grimaldi's team, Lane knew to "inform [her] immediate supervisor" that the bail motion lists would not be completed by the close of business. (R-1; R-2.) Presumably, once the immediate supervisor has such notice, he or she will take appropriate action but Sincox conceded on cross-examination that she left for the day without checking with either Lane or Judge Bucca's office to ensure that his bail motion list was completed. Neither she nor Grimaldi explained what, if anything, Sincox should have done to assist Lane once she knew Lane was behind. Grimaldi did not testify as to what immediate assistance she routinely gives members of her team when they are struggling to meet a pressing deadline.<sup>9</sup> Once the judges started calling Sincox, she was certainly on notice that Lane needed help, if only for someone to pull the hard copies of files from the file room.

#### **Incident of February 7, 2017**

Prior to leaving work on February 6, 2017, Lane told Grimaldi that she would undergo a dental procedure later that same day. Grimaldi told Lane to call her on her cell phone after the procedure was completed if Lane needed to take sick time the following day, February 7, 2017. Lane responded that she did not want to make that decision until the morning after the procedure, depending on how she felt. Grimaldi then told Lane to be sure to call out, if necessary, by 8:45 a.m., pursuant to policy. (R-3.)

Lane called Grimaldi on February 7, 2017, at 9:21 a.m., and stated that she would be out sick that day. Lane blamed her delay in calling on the pain she was experiencing and the medicine she was taking. (A-6.)

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<sup>9</sup> This is not to disregard the testimony that on December 8, 2016, Grimaldi and Sincox extended the deadline for Lane to complete bail motion lists from noon to 4:30 p.m., on days she attended CJP court, but only to point out that no examples were given of supervisors assisting staff in meeting a pressing, same-day deadline.

Following a departmental hearing, respondent charged Lane with incompetency, inefficiency, or failure to perform duties, pursuant to N.J.A.C. 4A:2-2.3(a)(1), and neglect of duty, pursuant to N.J.A.C. 4A:2-2.3(a)(7), and determined that the proper penalty is suspension from employment for thirty working days. Lane has been disciplined a total of six times in the twenty-four years she worked for respondent, most recently in 2015, with a fifteen-day suspension from employment. (R-8.)

### **Findings**

I **FIND** as **FACT** that the undisputed testimony shows that completing bail motion lists by the close of business on Thursday was one of Lane's duties and she failed to complete that task on January 12, 2017.

I **FIND** that the undisputed testimony also shows that Lane was well aware of the call-out policy and she failed to observe it on February 6, 2017, despite the reminder from Grimaldi the previous afternoon and having been warned in the prior six months that discipline would result from another such violation.

With respect to Lane's failure to inform Sincox that she would not complete Judge Bucca's bail motion list by the close of business, the line is not as clear. If, as respondent contends, the purpose of an employee providing such notice is to ensure that the supervisor is able to assist the employee in meeting a deadline, then once Judge Bucca called Sincox, additional notice was not necessary. It may be that Sincox did not hear a request for help in Lane's statement that she could not find the initial bail investigation workup online or in the file room. It may also be that, at 4:30 p.m., Lane still expected to finish the work before leaving for the day and so did not ask for help, or that Sincox did not simply ask, "what can I do to help?" Notwithstanding the above, there is no dispute that Lane did not notify her supervisors at any point during the day that she was at risk of missing a deadline and did not notify them of the missed deadline before she left for the

day.<sup>10</sup> Court policies place the responsibility to notify supervisors of missed deadlines on the employee, and I **FIND** that Lane failed to meet that responsibility.

### **LEGAL ANALYSIS AND CONCLUSIONS**

A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. In an appeal from such discipline, the appointing authority bears the burden of proving the charges upon which it relied by a preponderance of the competent, relevant, and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550 (1982).

Under N.J.A.C. 4A:2-2.3(a)(1), and -2.3(a)(7), an employee may be subjected to major discipline<sup>11</sup> for incompetency, inefficiency, or failure to perform duties and for neglect of duty. In general, incompetence, inefficiency, or failure to perform duties exists where the employee's conduct demonstrates an unwillingness or inability to meet, obtain or produce effects or results necessary for adequate performance. Clark v. New Jersey Dep't of Agric., 1 N.J.A.R. 315 (1980). To prove neglect of duty, the employer must prove the employee did not perform an act required by his or her job title or was negligent in the discharge of that duty. Avanti v. Dept. of Military & Veterans Affairs, 97 N.J.A.R. 2d 564 (1996).

Based on the above, I **CONCLUDE** that respondent has carried the burden of proving that appellant is guilty of incompetency, inefficiency, or failure to perform duties and of neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(1) and -2.3(a)(7).

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<sup>10</sup> Although on cross-examination Lane stated that she saw no point to sending Sincox an email prior to leaving as Sincox did not have remote access to email, Lane did send an email to Judge Bucca's staff after hours and did not use Grimaldi's cell phone number to notify her of the missed deadline.

<sup>11</sup> Major discipline may include removal, disciplinary demotion, suspension or fine no greater than six months. N.J.S.A. 11A:2-(6)(a), -20; N.J.A.C. 4A:2-2.2, -2.4.

### **PENALTY**

The Civil Service Commission's review of penalty is de novo. N.J.S.A. 11A:2-19 and N.J.A.C. 4A:2-2.9(d) specifically grant the Commission authority to increase or decrease the penalty imposed by the appointing authority. General principles of progressive discipline apply. Town of W. New York v. Bock, 38 N.J. 500, 523 (1962). Typically, the Board considers numerous factors, including the nature of the offense, the concept of progressive discipline and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463.

Ultimately, however, "it is the appraisal of the seriousness of the offense which lies at the heart of the matter." Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994). At hearing, and in her post-hearing brief, Lane argues that the penalty proposed by respondent is excessive, not justified, ignores extenuating circumstances, and was delivered prior to any attempt to resolve the problems which led to the discipline. (Br. of Appell't. at 9.) Respondent counters that Lane inexplicably chose not to follow well-established policies and, as a consequence, a thirty-day suspension is both a warranted and reasonable penalty for Lane's failure to complete the bail reduction motion list on January 12, 2017, failure to notify her supervisors in a timely manner that she would not complete her work on January 12, 2017, and failure to call-out sick as required on February 7, 2017. (Br. of Resp't. at 15.)

The offense that is the most serious is that Lane left for the day on January 12, 2017, without completing Judge Bucca's bail reduction motion list. It is particularly troubling that, at the same time the New Jersey courts were instituting significant reforms to the monetary bail system, the person who may have been harmed the most by Lane's failure to complete her work on January 12, was the defendant who was incarcerated and unable to make bail under the old system. A close second was Judge Bucca, who had to choose either to leave the defendant who could not make bail in prison for at least another week or to reduce the defendant's bail despite an incomplete record.<sup>12</sup> It is not lost on me that Lane

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<sup>12</sup> The record is bereft of the details as to this defendant or Judge Bucca's ultimate decision.

finished eighteen of the nineteen bail motions on the list, but this is one of those times when close is not good enough.

With respect to Lane's failure to notify Sincox that she would not finish her work on January 12, 2017, in a timely manner, respondent claims that Lane knew that the reason to provide this notice was "so that alternate arrangements could be made to complete the task," and that her failure to so notify her supervisors removed "any chance they may have had to resolve whatever issues Ms. Lane claimed to be having in completing the lists." (Resp't. Br. at 14-15.) Here, neither the testimony nor documentary evidence support respondent's claims. While Lane's supervisors were responsive to her general request for a more relaxed deadline on days she had CJP Court duties, there was no evidence that raising a specific, time-sensitive problem would garner an immediate "all-hands" response. In fact, the evidence is just the opposite. By 4:30 p.m., the end of the work day, Sincox had been called by two judges about documents they needed the next day. When Lane told Sincox that Judge Bucca's list was not complete due to the absence of materials in the shared drive, Sincox did not offer a solution or offer to help locate the files. Instead, Sincox told Lane to get the work done and left the office without confirming with anyone that the work was in fact completed.<sup>13</sup>

Appellant argues that she was required to alone do the work previously shared with other investigators, that the files were a mess, and her supervisors did not respond to her prior complaints about difficulty finding necessary files. While all that may be true, and as discussed above, Sincox offered no assistance once she was alerted to the problem, what also comes through—from Lane's testimony—is that on this day, despite knowing that she had CJP Court duties, and that she still had to finish approximately four or five of the bail reduction motion lists by 4:30 p.m., Lane did not contact Grimaldi before she left for CJP

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<sup>13</sup> In her post-hearing brief, appellant noted that one charge in the PNDA was dropped following the departmental hearing, the charge of "conduct unbecoming a public employee." Appellant argues that Sincox bore some of the responsibility for ensuring that Judge Bucca's bail motion lists were complete and instead of pitching in, Sincox used the opportunity "to exert disciplinary authority over an employee who she felt had disrespected her." (Br. of Appell't. at 3.) As appellant's union representative knows, only the charges in the FNDA are considered in this forum, and at hearing, appellant did not question Sincox about the verbal exchange that led to the since-dropped charge.

Court to request extra help. Lane's testimony regarding her earlier complaints about the filing system are a strong indication that she should not have been surprised to find that at least some of the files she needed that afternoon were hard to locate. Then Lane left for the day without notifying either Sincox or Grimaldi that a deadline had in fact been missed.

Under the specific circumstances, Lane's failure to call-out on February 7, 2017, by 8:45 a.m., does not on its own merit major discipline. Grimaldi knew that Lane was having a dental procedure and knew that Lane would be making a decision in the morning whether to come into work. Yes, Lane should have called earlier, but Grimaldi probably knew by 8:45 a.m., at which time Lane was already fifteen minutes late, that Lane would not be coming to work that day. Respondent argues with justification however, that this offense is exacerbated by the fact that Lane was late in calling out twice in the prior year, and had been counseled and warned.

Lane's prior disciplinary record includes six separate charges over the course of her twenty-four years employment, none prior to 2007. All of the charges, however, are similar in nature to the charges in this matter, including that in March 2011, she was charged with neglect of duty and was suspended for seven days, and that in April 2015, she was charged with incompetency, inefficiency or failure to perform duties and was suspended for fifteen days. (R-8.) Based upon the concept of progressive discipline, I **CONCLUDE** that the penalty of suspension for thirty working days was appropriate, and should be **SUSTAINED**.

### **DECISION AND ORDER**

The appointing authority has proven by a preponderance of credible evidence the charges against Lane, specifically violations of N.J.A.C. 4A:2-2.3(a)(1) and -2.3(a)(7), for incompetency, inefficiency, or failure to perform duties and neglect of duty. I **ORDER** that these charges be and are hereby **SUSTAINED**. Furthermore, I **ORDER** that the penalty of a thirty-day suspension is hereby **AFFIRMED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

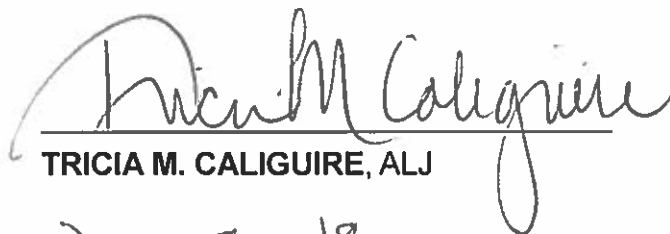
Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 18, 2018

DATE

Date Received at Agency:

Date Mailed to Parties:  
nd



TRICIA M. CALIGUIRE, ALJ

June 18, 2018

June 18, 2018



**APPENDIX**

**WITNESSES**

**For Appellant:**

Carla Lane

**For Respondent:**

Lori Grimaldi

Jennifer Sincox

**EXHIBITS**

**For Appellant:**

- A-1 Not introduced
- A-2 Annual Performance Advisory, dated January 31, 2017
- A-3 Email from Appellant Carla Lane to Lori Grimaldi, Subject CJP and Bail Motions, dated December 8, 2016
- A-4 Email from Appellant Carla Lane to Jennifer Sincox, Copied to Donna Roche, Lori Grimaldi, Subject Follow-Up from Our Meeting Today/This Weeks' Bail Motions, dated January 17, 2017; Appellant's Statement to Management
- A-5 Not introduced
- A-6 Letter from Mahn K. Kaga, DMD, Concerning Dental Work Office Visit, dated February 1, 2017
- A-7 Interoffice Memorandum to Appellant Carla Lane, Investigator, from Vicki Dzingleski DiCaro, Criminal Division Manager, Subject Settlement Agreements, dated April 22, 2015
- A-8 Not introduced
- A-9 Scanning Procedure

**For Respondent:**

- R-1 Annual Performance Advisory, Advisory Period Covered: Calendar Year 2016, dated January 25, 2016
- R-2 Annual Performance Advisory, Advisory Period Covered: Calendar Year 2016, dated January 31, 2017
- R-3 P.O./Inv. Team Grimaldi Meeting, July 1, 2016
- R-4 Memo from Lori Grimaldi, CSSII, to Jennifer Sincox, ACDM, Subject Carla Lane Late Call out on February 7, 2017
- R-5 Memo from Jennifer Sincox, ACDM, to Laura Schweltzer, CDM, Subject Carla Lane, dated January 20, 2017 (Amended on February 2, 2017)
- R-6 Preliminary Notice of Disciplinary Action, Department of Personnel, State of New Jersey, dated February 28, 2017
- R-7 Final Notice of Disciplinary Action, Civil Service Commission, State of New Jersey, dated June 14, 2017
- R-8 Disciplinary History of Carla Lane, dates from January 17, 2007 through April 21, 2015
- R-9 Email from Lori Grimaldi to Lionel Neals, Vanessa Amaxopoulos, Carla Lane, Marianne Foster, Anna Cotton, Subject Team Meeting Minutes July 1, 2016
- R-10 Email from Carla Lane to Lori Grimaldi, Subject meeting on September 9, 2016, dated September 9, 2016